

DOCKET NO.: 217283US-2S DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Hideo ANDO et al. :

SERIAL NO: 10/060,267 :

FILED: February 1, 2002 :

FOR: OPTICAL DISC FOR STORING  
MOVING PICTURES WITH TEXT  
INFORMATION AND APPARATUS  
USING THE DISC :

EXAMINER: Not Yet Assigned

GROUP ART UNIT: 2615

130-122 2615  
RECEIVED  
AUG 05 2002  
Technology Center 2600

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MAR 23 2004  
DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

PETITION TO MAKE SPECIAL UNDER MPEP § 708.02(VIII)

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

**I. Basis for the Petition**

Pursuant to MPEP § 708.02(VIII) (8<sup>th</sup> ed. 2001), Applicants hereby petition for a special status for this Application.

**II. Requirements for Granting Special Status**

MPEP § 708.02(VIII) established five requirements for a grant of special status. The following subsections show that each of these five requirements is satisfied in the above-identified case.

**A. Submit Petition and Fee: § 708.01(VIII)(A)**

This petition is accompanied by the fee set forth in 37 C.F.R. § 1.17(h).

**B. Agree to an Election Without Traverse: § 708.02(VIII)(B)**

Applicants submit that Claims 21-25 as amended by the Preliminary Amendment of February 1, 2002 are directed to a single, patentable invention. If a restriction requirement is imposed in this Application, Applicants agree to elect without traverse.

**C. State that a Preexamination Search was Made: § 708.02(VIII)(C)**

Searches were conducted by group art unit 2615 of the Patent and Trademark Office in cases related to the claimed subject matter of the present application (i.e., same patent family), namely, application 09/461,618 (now U.S. Patent 6,259,858, hereinafter Grandparent) and application 09/630,541 (hereinafter Parent). The search records indicate that the searches in the related cases were conducted in the following classes/subclasses 386/95, 386/125, 386/83, and 386/126. The references identified by the Patent and Trademark Office as relevant in both of these cases were made of record in the Information Disclosure Statement of February 1, 2002.

Applicants submit that the claimed subject matter of the present application is substantially similar in scope to that of the Parent and Grandparent application, in that the Grandparent application claims in relevant part, a program management table, the management table includes a specific area for storing text information including a search pointer indicating a location of the text information. A search pointer number of the program management table corresponds to the search pointer when searching for the text information. Likewise, the Parent application claims in relevant part, a program management table including a specific area which is different from a recording area of a play list search pointer in the management area which is configured to store text information. The specific area is configured to further store a search pointer indicating a location of the text information. The

play list search pointer is configured to further record search information which includes a search pointer number, and the search pointer number of the play list search pointer corresponds to the search pointer when searching for the second text information.

The present application claims in relevant part, a play list search pointer table arranged to describe information for searching and accessing play lists. The play list search pointer table comprises at least one play list search pointer. At least one play list search pointer comprises at least one program comprised in the program information. At least one play list search pointer comprises an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information. The item text comprises information indicating text size of text comprised by the item text.

Further, Applicants conducted a supplemental search of the PATOLIS (Patent Online Information System) to identify other prior art that may not have been found in the above described searches. The search methodology entailed the use of the following keywords play list/user-defined PGC, entry point, primary text, item text, movie AV file information, still picture video object group, time map information, VOB entry, management information, movie and still. The field of search included all Japanese Patent and Utility models from January 1990 to December 16, 1998 (priority date). International classes and subclasses searched include H04N5/92H and H04N5/93Z, which correspond to communication (television, art of transmission, receiving and replay of television picture).

Together, these searches qualify as a preexamination search because the present application has not been examined on the merits and because the search methodology entailed searching by keyword and patent class in accordance with the subject matter of the disclosure.

**D. Submit a Copy of the Most Relevant References: § 708.02(VIII)(D)**

The reference cited in the Applicants' supplemental search (Japanese Patent Application No. 9-265765) is included in an Information Disclosure Statement attached hereto which includes U.S. references cited in the Grandparent and Parent cases. Further, the Information Disclosure Statement of February 1, 2002, includes the balance of references cited by the Patent and Trademark Office in the Grandparent and Parent cases relevant to the claimed subject matter. All references now of record, including the reference attached hereto are discussed below with reference to the claimed subject matter of Claims 21-25.

**E. Submit a Detailed Discussion of the References, Pointing Out How the Claimed Subject Matter is Patentable Over the References: § 708.02(VIII)(E)**

Consistent with the searches discussed above, Applicants respectfully submit that the claims of the Application patentably distinguish over all of the references now of record. A detailed discussion pursuant to 37 C.F.R. § 1.111 is provided below for pointing out with particularity how the claimed subject matter is patentable over the references of record.

Applicants' Claim 21 recites, *inter alia*, an information storage medium comprising a management area and a data area including:

“... said management area comprises a play list search pointer table arranged to describe information for searching and accessing play lists;

said play list search pointer table comprises at least one play list search pointer;

said at least one play list search pointer comprises primary text information for searching for at least one program comprised in the program information;

said at least one play list search pointer comprises an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information; and

said item text comprises information indicating text size of text comprised by said item text.”

By way of background, optical discs employ a DVD (Digital Versatile Disc) standard for storing audio and video data as MPEG-2 encoded data structures. Typically, data is retrieved via a menu system such as a VMGM (Video Manager Menu) or a VTSM (Video Title Set Menu). Yet, the standard presents multi-language compatibility problems in home recording applications as the aforementioned menu structures are unavailable and text based indicia must be used for data retrieval and searching operations. Text based indicia may be recorded across many different languages, for example, depending upon the origin of the AV program. This creates a situation in which a player/recording device may not be able to determine the language of the text indicia in order to judge whether or not a corresponding character generator can be employed for decoding the AV data<sup>1</sup>. Thus, the claimed subject matter of the present application is provided for enabling multi-language compatibility.

U.S. Patent No. 6,181,870<sup>2</sup> (Okata et al., hereinafter Okata) discloses storing program chain information and a title search pointer in the control information file.<sup>3</sup> In reviewing the figures of the reference, Figure 71 shows a time-map table, Figure 42 shows display examples of graphics/text data, Figure 76 indicates a reproduction time, Figure 77 indicates text information, and Figure 91 indicates program chain information. As can be appreciated from Figures 76 and 91, a title search pointer includes character information within the title recording history. Figure 80 demonstrates that user-defined PGCI cell information is generated from a mark key and reproduction time stamp PTS after MPEG decoding, and stored.

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<sup>1</sup> Application at pages 1-3

<sup>2</sup> Cited in the IDS of February 1, 2002.

<sup>3</sup> Okata, Fig. 70.

Okata does not disclose or suggest a play list search pointer table having at least one play list search pointer comprising an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information and the item text comprises information indicating text size of text comprised by said item text as recited in Applicants' Claim 21.

U.S. Patent No. 6,259,858<sup>4</sup> (Ando, et al., hereinafter Ando). This application is commonly owned with respect to the present application. Ando discloses a program management table having a specific area which is different from a recording area of the program management table in the management area. The specific area is configured to store a second text information which is different from a first text information stored in a separate area of the control region. The program management table is configured to further record search information which includes a search pointer number of the second text information. The specific area is configured to further store a search pointer indicating a location of the second text information. The search pointer number of the program management table corresponds to the search pointer when searching for the second text information. To the extent that there is overlapping subject matter between the present application and Ando, Applicants agree to file a Terminal Disclaimer.

Japanese Patent Application No. 59-191176<sup>5</sup> (hereinafter '176') discloses an image information accumulating means, means for selecting one of the accumulated images, means for displaying the selected image and an external memory unit for storing retrieval information of the image information temporarily. The recording region of the image information accumulating means is divided into an image information recording region and a retrieval information recording region. Then, after this retrieval information is transmitted to the external memory unit, recording and retrieval of information are carried out.

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<sup>4</sup> Cited in the IDS of February 1, 2002.

'176 does not disclose or suggest a play list search pointer table having at least one play list search pointer comprising an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information and the item text comprises information indicating text size of text comprised by said item text as recited in Applicants' Claim 21.

U.S. Patent No. 5,294,982,<sup>6</sup> (Salomon et al., hereinafter Salomon) discloses a method for decoding character data from composite video signals. According to this method, packet data is received and control data or character data which has a head code or a tail code can be printed out in accordance with a bit value stored at a specific bit position.<sup>7</sup> If that data is determined to be character data having a head code or a tail code and printable, the corresponding data byte becomes valid to parity, so as to produce a letter component or a letter component indicating a complete character to a first or second alphabet. Because syllable language may become complicated, processing for overlapping two or more letter components for forming syllable language picture upon indicating the syllable language character can be contained. Further, a syllable language character about 3/4 inch high can be displayed on an NTSC signal TV screen having standard resolution.

Salomon does not disclose or suggest a play list search pointer table having at least one play list search pointer, the at least one play list search pointer comprising primary text information for searching for at least one program comprised in program information. The at least one play list search pointer comprises an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information. The management area comprises or video information

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<sup>5</sup> Cited in the IDS of February 1, 2002.

<sup>6</sup> IDS filed concurrently herewith.

<sup>7</sup> Salomon at Column 15, lines 7-31.

management table comprising a character set code for primary text information as described in Applicants' Claim 21.

U.S. Patent No. 6,038,366,<sup>8</sup> (Ohno et al., hereinafter Ohno) disclose a magnetic recording/reproducing apparatus capable of identifying the recorded content of a tape on a screen and displaying a superscript. This apparatus includes a tape map memory and a tape map controller. If a recorded tape is loaded in the apparatus and its tape map button is pressed, a tape map screen is displayed.<sup>9</sup> This screen displays the content of a program recorded on the tape, a recording time, and information about whether or not it has been reproduced and the like. If a cursor is placed on a desired program and a reproduction button is pressed, the screen is changed to another screen, which indicates the state of on retrieval of tape. Then, if the head of a program is found, reproduction mode is automatically gained.

Ohno does not disclose or suggest a play list search pointer table having at least one play list search pointer, the at least one play list search pointer comprising primary text information for searching for at least one program comprised in program information. The at least one play list search pointer comprises an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information. The management area comprises or video information management table comprising a character set code for primary text information as recited in Applicants' Claim 21.

U.S. Patent No. 6,078,727,<sup>10</sup> (Saeki et al., hereinafter Saeki) discloses an optical disk having a file control region for controlling one or more files, one or more AV files which store AV data and a special reproduction information file. This special

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<sup>8</sup> IDS filed concurrently herewith

<sup>9</sup> Ohno at Column 4, lines 29-41.

<sup>10</sup> IDS filed concurrently herewith.



reproduction information file has VOB information and VOB information correction information. The VOB information indicates VOB address and reproduction time in the AV data.<sup>11</sup> The VOB information correction information is used for correcting information recorded in the VOB information to a value with reference to the head of AV file, text information is not handled.

Saeki does not disclose or suggest a play list search pointer table having at least one play list search pointer, the at least one play list search pointer comprising primary text information for searching for at least one program comprised in program information. The at least one play list search pointer comprises an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information. The management area comprises or video information management table comprising a character set code for primary text information as recited in Applicants' Claim 21.

U.S. Patent No. 6,148,138,<sup>12</sup> (Sawabe et al., hereinafter Sawabe) discloses recording information divided to VOB units corresponding to each predetermined reproduction time interval and signal processing of MPEG2 is carried out. Each VOB unit stores navi-pack data containing time information and retrieval information.<sup>13</sup> The time information of this navi-pack indicates a reproduction time when the VOB unit is to be reproduced on the reproduction time axis. The retrieval information of this navi-pack is used for retrieving the recording position of the VOB unit to be reproduced on the DVD in which information is recorded. Although this navi-pack does not handle text information, the sub-picture data in the VOB is capable of recording characters, graphics and the like as sub-picture.

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<sup>11</sup> Saeki at Column 6, lines 16-38.

<sup>12</sup> IDS filed concurrently herewith.

<sup>13</sup> Sawabe at Column 9, lines 27-64.

Sawabe does not disclose or suggest a play list search pointer table having at least one play list search pointer, the at least one play list search pointer comprising primary text information for searching for at least one program comprised in program information. The at least one play list search pointer comprises an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information. The management area comprises or video information management table comprising a character set code for primary text information as recited in Applicants' Claim 21.

U.S. Patent No. 6,160,952,<sup>14</sup> (Mimura et al., hereinafter Mimura) discloses a menu produced from main video data as background image of the menu and sub-video data comprised of menu selection items. Then, by changing highlight information to selection items of sub-video data, various kinds of menus can be created easily.<sup>15</sup> Here, the color and contrast of pattern pixel, background pixel and stressing pixel, which are pixel data in a button region surrounding a selection item and an affirmative item expressed with sub-picture data, are changed in various ways. The sub-video data is used for character indication.

Mimura does not disclose or suggest a play list search pointer table having at least one play list search pointer, the at least one play list search pointer comprising primary text information for searching for at least one program comprised in program information. The at least one play list search pointer comprises an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information. The management area comprises or video information management table comprising a character set code for primary text information as recited in Applicants' Claim 21.

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<sup>14</sup> IDS filed concurrently herewith.

<sup>15</sup> Mimura at Column 8, line 63 – Column 9, line 5.

Further, Applicants' supplemental search provides Japanese Application 9-265765<sup>16</sup>, hereinafter '765', which discloses a higher hierarchical language unit/text data structure.<sup>17</sup> A plurality of language units contain a plurality of item text so that the hierarchical language unit groups can be gathered by a text information manager. In this way, a hierarchy can be specified which corresponds to recording text in accordance with an item code.

'765 does not disclose or suggest a play list search pointer table having at least one play list search pointer comprising an item text search pointer number, wherein item text is information for searching for at least one program that is not comprised in the program information and the item text comprises information indicating text size of text comprised by said item text as recited in Applicants' Claim 21.

The claimed subject matter of claim 21 recites recording first text information (indispensable text information of alphanumeric characters) and the second text information (for example, Japanese text), which are different languages at different places in the control region. For example, item texts are stored (recorded) on control information (TXTDT\_MG) hierarchy and the indispensable text information is stored (recorded) on control information (PGC\_PGI) hierarchy<sup>18</sup>. Thus, by employing the play list search pointers of the claimed subject matter, it is not necessary to equalize the control quantity of the second text information with the control quantity of program information, so that the freedom of text information control is increased.<sup>19</sup> Applicants submit that none of the references now of record, either alone or in combination, disclose or suggest this feature of the claimed invention.

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<sup>16</sup> Cited in IDS concurrently filed herewith.

<sup>17</sup> '765 Figure 9.

<sup>18</sup> Application, Fig. 4B, Fig. 8, Fig. 6E

<sup>19</sup> Specification at page 38, lines 7-14.

Claim 22 recites substantially the same limitations discussed above, albeit in method claim format. Independent Claims 23-24 recite substantially the same limitation as discussed above for multiple sequences of programs, and Claim 25 recites substantially the same limitation as discussed above, albeit in a system claim format.

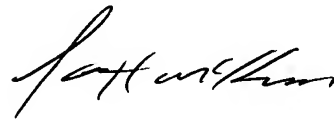
Therefore, Applicants respectfully submit that the limitations defined by pending independent Claims 21-25 patentably distinguish over the references of record.

### III. Conclusion

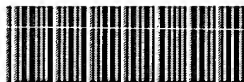
The petition to make special meets all the requirements of MPEP § 708.02(VIII), and therefore, should be granted. Accordingly, Applicants respectfully request that this Application be advanced out of turn for examination, and that the assigned Examiner, pursuant to the suggestions of MPEP § 708.02 (VIII), contact the undersigned attorney to schedule an interview for advancing the prosecution in this case.

Respectfully submitted,

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